



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 N. HARBOR DR.
SAN DIEGO, CA 92132-0058

IN REPLY REFER TO:
COMNAVREGSWINST 1620.5K
N05HR

10 JUL 2006

COMNAVREGSW INSTRUCTION 1620.5K

From: Commander, Navy Region Southwest

Subj: ARMED FORCES DISCIPLINARY CONTROL BOARD

Ref: (a) OPNAVINST 1620.2A
(b) SECNAVINST 5450.4F
(c) OPNAVINST 5400.24D

Encl: (1) Sponsors and Jurisdictions of Armed Forces
Disciplinary Control Boards in Navy Region Southwest
(2) Participation Agreement with Marine Corps Installation
West and Marine Corps Recruit Depot/Western
Recruiting Region
(3) Restrictive Action Request Guidelines
(4) Navy Region Southwest AFDCB Members

1. Purpose. To establish procedures and furnish information regarding the operation of Armed Forces Disciplinary Control Boards (AFDCBs) within the geographical Area of Responsibility (AOR) of Commander, Navy Region Southwest (CNRSW).

2. Cancellation. COMNAVBASESANDIEGOINST 1620.5J.

3. Background. References (a) through (c) authorize CNRSW to coordinate AFDCBs within the CNRSW's AOR, serve as the sponsoring commander or participate as a member of a joint service board, and to approve establishment of separate AFDCBs for naval installations within CNRSW's AOR when it is in the best interest of the Navy to do so.

4. Policy. Per reference (a), U.S. Armed Forces personnel are prohibited from entering establishments or areas declared "off-limits" or under curfew during specified periods. Violations may subject individuals to disciplinary action under the Uniform Code of Military Justice.

5. Applicability

a. This instruction applies to U.S. military personnel on active or reserve duty in the CNRSW AOR, on temporary duty for training while attending drills pursuant to duly executed inactive duty for training orders, or while serving under duly executed temporary additional duty orders.

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b. Per reference (a), Navy personnel assigned to commands at Twentynine Palms, and Monterey, California, are subject to the policies of AFDCB sponsors in those areas. See enclosure (1).

c. Per enclosure (2), the Commanding General, Marine Corps Installations West, and the Commanding General, Marine Corps Recruit Depot/Western Recruiting Region, San Diego, agree to participate in, and be subject to, the joint service AFDCB for the San Diego area.

6. Requirements. Reference (a) specifies the mission, composition, duties, and functions of AFDCBs, as well as reporting requirements, prescribed relationships with other military organizations and civil agencies, administrative procedures, and operational guidelines.

7. Local AFDCBs. Local area coordinators are responsible for establishment and maintenance of AFDCBs in their respective jurisdictions. See enclosure (1).

8. Procedures

a. Enclosure (3) sets forth the procedures to be followed when requesting "off-limits" action by the AFDCB.

b. The Staff Judge Advocate (SJA) for CNRSW is designated as President of the Board (POB). Meetings of the CNRSW AFDCB will be held as often as the President of the Board (POB) determines. CNRSW may specify whether the meetings will be open or closed. If not specified, the decision is within the discretion of the POB. Normally, to the extent possible, proceedings of the Board are open, but may be closed or limited to the public when circumstances warrant.

c. Special meetings may be called by the POB. Except by unanimous consent of members present, final action will be taken only on the business for which the meeting was called.

d. Voting members of the Navy Region Southwest (NRSW) AFDCB are listed in enclosure (4). A majority of voting members constitutes a quorum for board proceedings. Since there are twelve voting members on NRSW's AFDCB, seven voting members must be present to constitute a quorum for board proceedings. If the AFDCB is below the required quorum, the board will not take action or make recommendations until enough voting members are present to constitute a quorum.

e. The Board may invite members of civilian agencies or individual persons to board meetings as observers or witnesses when they know of problem areas within the board's jurisdiction.

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Invited witnesses and observers will be listed in the minutes of the meeting. Liaison with interested civilian agencies is encouraged.

9. Action

a. Representatives of the activities listed in enclosure (4) serve as voting members, and a their attendance is necessary to establish a quorum for board proceedings. The voting membership of the Navy Region Southwest shore activities listed in enclosure (4) are required to provide a representative to the AFDCB. Other activities in CNRSW's AOR are invited and encouraged to participate regularly as a means of identifying conditions that adversely affect good order and discipline along with the health, safety, welfare, and morale of members of the military and their families.

b. CNRSW will provide representatives for the following functional areas: equal opportunity, alcohol and drug abuse, safety, law enforcement, chaplain, and public affairs.

c. Naval Legal Service Office Southwest will provide a representative for consumer affairs.

d. Region Legal Service Office Southwest or Office of General Counsel will provide a representative for environmental protection.

e. Naval Medical Center San Diego will provide a health and medical advisor.

f. Local area AFDCBs are requested to inform the CNRSW SJA of the imposition and/or removal of all "off-limits" designations.

g. CNRSW Public Affairs Officer will coordinate media related queries and press releases related to AFDCBs in CNRSW's AOR.

h. As a general policy, military law enforcement personnel will not visit "off-limits" establishments and areas under curfew unless specifically required.



L. R. HERING

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SPONSORS AND JURISDICTION OF ARMED FORCES DISCIPLINARY CONTROL
BOARDS IN AOR OF COMMANDER, NAVY REGION SOUTHWEST

Regional Coordinator

Sponsor: Commander, Navy Region Southwest
San Diego, CA 92132-0058

Jurisdiction: Counties surrounding naval
installations located within
CNRSW's AOR in California,
Nevada, and Arizona except
for jurisdictional areas
listed under the jurisdiction
of the other Area Boards
noted below.

President: Staff Judge Advocate
CNRSW, San Diego, CA 92132-0058
- Telephone: (619) 532-1418
- DSN: 522-1418

Local Coordinators: Other Area Boards

a. Local Area Coordinator, Monterey

Sponsor: Staff Judge Advocate
Post Graduate School
Monterey, CA 93943-5011
- Telephone: (831) 656-2506/07
- DSN 756-2506/07

Sponsor: Staff Judge Advocate
Presidio of Monterey
Monterey, CA 93943-5011
- Telephone: (831) 242-5080
- DSN: 768-5080

Jurisdiction: Monterey County

President: Chief of Police
Presidio of Monterey
Monterey, CA 93943-5011
- Telephone: (831) 242-7007
- DSN: 768-7007

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b. Local Area Coordinator, Twentynine Palms

Sponsor: U.S. Marine Corps
Commanding General
Marine Corps Air Ground Combat Center
Twentynine Palms, CA 92278

Jurisdiction: San Bernardino and Riverside Counties

President: Staff Judge Advocate
Marine Corps Air Ground Combat Center
Twenty-nine Palms, CA 92278
- Telephone: (760) 830-7484
- DSN: 230-7484

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PARTICIPATION AGREEMENT

This Participation Agreement between Commander, Navy Region Southwest, the Commanding General, Marine Corps Installations West, and the Commanding General, Marine Corps Recruit Depot San Diego (MCRD San Diego), provides for participation in and representation on the Armed Forces Disciplinary Control Board (AFDCB) sponsored by Commander, Navy Region Southwest.

1. The parties agree that the AFDCB sponsored by CNRSW is a joint service disciplinary control board established under 32 CFR Part 631, OPNAVINST 1620.2A, and MCO 1620.2C.
2. 32 CFR Part 631 encourages commanders to participate in joint service boards where appropriate. This agreement does not create an obligation for participation on the part of any other Marine Corps installation in this AFDCB area.
3. The parties agree that participation in this joint service board does not impede the ability of each installation commander to convene an AFDCB to serve a single installation.
4. The parties agree that the representatives for Marine Corps Installations West and Marine Corps Recruit Depot San Diego shall be voting members of the Board.
5. The parties agree that the membership responsibilities and function of the Board are governed by 32 CFR Part 631, OPNAVINST 1620.2A, and MCO 1620.2C.
6. The parties agree that participation in the AFDCB does not inhibit or impede the off-installation law enforcement activities permitted by 32 CFR Part 631.17 and MCO 1620.2C Section 3-6.

This agreement becomes effective at the date of last signing.

Date:

STEWART R. NAVARRE
Colonel, U.S. Marine Corps
Chief of Staff
MCI West
By Direction

Enclosure (2)

COMNAVREGSWINST 1620.5K

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Date:

W. M. CALLIHAN
Colonel, U.S. Marine Corps
Chief of Staff
MCRD San Diego
By direction

Date:

M. R. Allen
Captain, U.S. Navy
Chief of Staff
Commander, Navy Region Southwest
By direction

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PROCEDURES TO REQUEST RESTRICTIVE ACTION**1. PURPOSE**

To provide the procedure to request corrective action against business establishments and conditions which adversely affect the health, safety, morals, welfare, morale, and discipline of the Armed Forces.

2. OFF-LIMITS ESTABLISHMENTS AND AREAS

a. An "off-limits" area is defined as any vehicle, conveyance, place, structure, building, or areas prohibited to military personnel to use, ride, visit, or enter during the period in which it may be declared "off-limits." As a matter of policy, a change in ownership, management, or name of any "off-limits" establishment does not, in and of itself, revoke the "off-limits" restriction.

b. The establishment of "off-limits" areas is a function of the command. Commanders may designate a location "off-limits" to maintain good order and discipline and an appropriate level of good health, morale, safety, morals, and welfare of armed forces personnel. "Off-limits" action is also used to preclude armed forces personnel from being exposed to crime conducive conditions or becoming the victims of crime. Where sufficient cause exists, commanders retain substantial discretion to declare establishments or areas temporarily "off-limits" to personnel of their respective commands in emergency situations. Temporary "off-limits" restrictions issued by commanders in an emergency situation will be acted on by the AFDCB on a priority basis.

c. Prior to initiating routine "off-limits" action, installation commanders will attempt to correct, through contact with business owners and local civilian leaders, any adverse condition or situation. If these actions are unsuccessful, or the problem requires regional action, commanders will submit reports to request "off-limits" action by the AFDCB serving their area.

3. REQUESTS FOR RESTRICTIVE ACTION

It is the AFDCB's policy to grant establishments every opportunity to eliminate conditions considered inimical to the welfare of service personnel prior to the invoking of restrictive "off-limits" action. Therefore, Commanding Officers should relay in writing the grounds for placing an establishment

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off-limits to their local AFDCB with as much detailed substantiating information as possible. This information should accompany any request for restrictive action after all efforts to resolve the problem locally have failed. The report should cover the following:

- a. Name, location, and description of the establishment concerned.
- b. Name of manager of the establishment concerned.
- c. Full details of the conditions existing that form the basis for the request.
- d. Previous history of the establishment, including civil police records, if available.
- e. Previous written warning(s) tendered and answer(s) received.
- f. Approximate number of service members patronizing the establishment.
- g. Additional pertinent details.

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**ARMED FORCES DISCIPLINARY CONTROL BOARD
VOTING MEMBERSHIP**

1. The following commands/organizations comprise the Navy Region Southwest AFDCB. In accordance with reference (a), each member retains one vote in Board decisions.

COMMAND/ORGANIZATION

COMNAVAIRPAC SAN DIEGO CA
COMNAVSURFPAC SAN DIEGO CA
COMNAVSPECWARCOM CORONADO CA
MCIWEST CA
COMNAVREGSW SAN DIEGO CA (SJA)
FLTASWCOM SAN DIEGO CA
MCRD/WRR SAN DIEGO CA
NAVBASE SAN DIEGO CA
NAVBASE PT LOMA
NAVBASE CORONADO CA
NAVMEDCEN SAN DIEGO CA
NAVLEGSVCOFFSW SAN DIEGO CA